

TO: Teresa Parsons
Director's Review Program Supervisor

FROM: Kris Brophy
Director's Review Program Investigator

SUBJECT: Daniel Porria v. The Evergreen State College (TESC)
Allocation Review Request ALLO-10-037

Director's Determination

This position review was based on the work performed for the six-month period prior to April 23, 2010, the date TESC Human Resources (TESC-HR) received the request for a position review. As the Director's Review Investigator, I carefully considered all of the documentation in the file, the exhibits, and the verbal comments provided by both parties during the review telephone conference. Based on my review and analysis of Mr. Porria's assigned duties and responsibilities, I conclude his position should be reallocated to the Maintenance Mechanic 2 classification.

Background

On April 23, 2010, Mr. Porria submitted a Position Review Request (PRR) with TESC-HR, asking that his position be reallocated to the Maintenance Mechanic 2 (MM2) classification. Mr. Porria did not sign the form. Mr. Porria's supervisor, Mr. Mike Drennon, signed the form on June 30, 2010 (Exhibit B-2).

By letter dated July 12, 2010, TESC notified Mr. Porria that his position was properly allocated to the Maintenance Mechanic 1 class (Exhibit B-1).

On July 22, 2010, the Department of Personnel received Mr. Porria's request for a Director's review of TESC's allocation determination (Exhibit A-1).

A Director's review conference was conducted with the parties on December 21, 2010. Present for the meeting was Daniel Porria, Susanna Fenner, Council Representative, WFSE; Kathy Andruss, Classification Director, WFSE; Nancy Jacobski, Human Resources Consultant, TESC; and Jennifer LeVesque, Sr. Human Resources Representative, TESC.

During the course of the review conference it was agreed that a follow-up meeting was necessary to review and discuss the submitted work orders (Exhibit B-3) that were considered by Ms. Jacobski in making her allocation determination.

I conducted a work session with Susanna Fenner and Nancy Jacobski on February 28, 2011 to discuss the work orders whereupon it was determined that TESC would gather and submit additional information and clarification regarding the work order exhibits.

A second review conference was conducted on April 11, 2011. Present during the conference were Daniel Porria, Susanna Fenner; Council Representative, WFSE; Sherri Clarke, Classification Manager, WFSE; Tony Jones, Council Representative, WFSE; Don Hoveland, Maintenance Mechanic 2, TESC; Nancy Jacobski, Human Resources Consultant, TESC; Jennifer Levesque, Sr. Human Resources Consultant, TESC; and Mike Drennon, Maintenance Supervisor, TESC.

Rationale for Director's Determination

The purpose of a position review is to determine which classification best describes the overall duties and responsibilities of a position. A position review is neither a measurement of the volume of work performed, nor an evaluation of the expertise with which that work is performed. A position review is a comparison of the duties and responsibilities of a particular position to the available classification specifications. This review results in a determination of the class that best describes the overall duties and responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2 (1994).

Duties and Responsibilities

Mr. Porria works in the Mechanical Services Department at the TESC campus. He performs a variety of semi-skilled and skilled maintenance and repair activities on campus buildings and facilities. His duties primarily involve providing electrical repair and maintenance on lighting fixtures and electrical systems. His duties also involve plumbing and general maintenance activities, and responding to emergency repair situations for fire alarms, power, and other electrical systems when called.

In the PRR, Mr. Porria describes his major job duties as follows:

- 60% Electrical repair & installation: (R&R, switches, ballasts, receptacles, photo cells, motion sensors, failed equipment systems, troubleshooting electrical problems, responsible for walkway lighting system, lighting problems, putting in new circuits, new construction installation circuit breaker panels, emergency power, time clocks.
- 20% General maintenance: flooring, ceiling tile, wall repair, base cove, handrails, blinds, windows, roof leaks, roof cleaning, shelving, clocks, painting, appliance repair.
- 10% Plumbing repair: all plumbing related to fountains, sinks, faucet and toilets.
- 10% Emergency responses: electrical, plumbing, fire alarms, power outages.

Mr. Mike Drennon, Manager, Mechanical Services, is Mr. Porria's supervisor. Mr. Drennon signed the PRR, indicating the information in the PRR is accurate and complete but believes Mr. Porria's position is properly allocated to the MM1 classification.

Mr. Drennon indicated during the review conference that Mr. Porria requires little overall supervision and that Mr. Porria completes routine work orders independently. Mr. Drennon acknowledges the portion of Mr. Porria's work that involves performing maintenance on walkway lighting and emergency pole lighting is journey-level work because of the troubleshooting required to make the repairs. Mr. Drennon stated that he reviews and may discuss the more complicated work orders with Mr. Porria prior to assigning them for completion. Mr. Drennon stated he supervises the overall completion of the complicated work which is consistent with the MM1 level responsibility for Mr. Porria's position. He believes the majority of work assignments performed by Mr. Porria regarding electrical lighting fixtures and systems is sub-journey level and meets the MM 1 class.

As part of overall allocation review process, Mr. Drennon and Mr. Porria reviewed the work orders covering the time period under review and determined which involved performing MM2 and MM1 level work. In addition to these, there were a significant number that they were unable to reach agreement on the level of work performed. All of these records were tallied and analyzed by Ms. Jacobski in making her allocation determination. Ms. Jacobski reviewed all the work orders and determined the number of hours and percentage of time spent performing each level of work for the review time period. This information was included in the allocation determination letter provided to Mr. Porria (Exhibit B-1).

Ms. Jacobski provided copies of time sheets (Exhibit B-5) and a sample of work orders (Exhibit B-3) showing the work performed by Mr. Porria during the review time period. The time records correspond with work orders completed by Mr. Porria; however TESC was unable to produce all of the work orders completed by Mr. Porria during this timeframe and for this reason they could not be used as a determining factor in this review.

Summary of Mr. Porria's Perspective

Mr. Porria asserts he is performing work at the MM 2 level. In particular, Mr. Porria contends his knowledge, skills, and level of independence in troubleshooting and repairing all assigned electrical lighting problems fits the MM 2 class level of responsibility. Mr. Porria asserts he previously worked under the direction of an MM2 in completing electrical lighting repairs but now works fully independently. Mr. Porria asserts he independently completes the electrical power lock-out/tag-out prior to completing electrical lighting repairs which reaches beyond sub-journey level responsibility. Mr. Porria asserts he independently performs all of his own electrical work and often is called in to correct electrical lighting repair mistakes made by other maintenance mechanics. Mr. Porria asserts he performs journey level work performing electrical remodeling of old systems and installing new electrical systems from project manager blueprints. In total, Mr. Porria believes the MM 2 is the correct classification for his position.

Summary of TESC's Reasoning

TESC contends Mr. Porria performs mainly semi-skilled electrical work and building repair. TESC asserts Mr. Porria's responsibilities troubleshooting and repairing lighting problems such as replacing light bulbs, ballasts, outlets, and photo cells and switches are sub-journey level general electrical repair. TESC acknowledges some of his tasks involve performing

journey-level electrical work. However, the majority of his time is spent performing MM1 level work. TESC contends its review of the work orders completed by Mr. Porria over the course of the review period indicates the majority of his time involved performing sub-journey level work.

TESC acknowledges Mr. Porria is a valued employee and performs his duties well. However, based on the overall duties and responsibilities assigned to Mr. Porria's position, TESC believes the Maintenance Mechanic 1 classification is the proper allocation for his position (Exhibit B-1.)

Comparison of Duties to Class Specifications

When comparing the assignment of work and level of responsibility to the available class specifications, the class series concept (if one exists) followed by definition and distinguishing characteristics are primary considerations.

Comparison of Duties to the Maintenance Mechanic series

The Class Series Concept for Maintenance Mechanic positions includes performance of the following:

. . . general maintenance, repair, remodeling and construction duties utilizing working knowledge of several related skill fields such as electrical, plumbing, carpentry, welding, painting and machinist work. Incumbents inspect, repair, install and maintain physical facilities, locks and maintain and repair machinery and equipment. . . .

Mr. Porria's performs a variety of general maintenance, repair, and construction remodeling activities requiring a working knowledge of a variety of skilled trades including electrical and plumbing and should therefore be allocated to a class within the Maintenance Mechanic series.

Comparison of Duties to Maintenance Mechanic 1 & 2

The Definition for the Maintenance Mechanic 1 class states:

Positions perform semi-skilled and sub journey work in the maintenance, repair, remodeling, alterations and construction of buildings, grounds, facilities, and equipment. Positions are used as general repairers when no immediate journey level tradesperson is available. General repairer positions are used when it would be impractical to have several journey level tradespersons on site. Other positions perform a variety of semi-skilled maintenance duties requiring a limited knowledge of various trade skills. These positions work independently in routine maintenance assignments or under the technical direction of a journey level position.

While a portion of Mr. Porria's duties are routine in nature and fit within the requirements of this classification, this level does not address the overall level of independence and overall scope of troubleshooting responsibility he has in the performance of his electrical work. In terms of the electrical work which he performs approximately 60% of the time, his position extends beyond performing semi-skilled maintenance duties requiring a limited knowledge of various trade skills. In total, the overall scope of his position's duties reaches beyond the level of responsibility described by the MMT 1 level class.

The Definition for the Maintenance Mechanic 2 class states:

This is the journey, working or occupational level of the series. Positions at this level perform a variety of skilled work in the operation, maintenance, repair, remodeling and construction of buildings, grounds, machinery, mechanical facilities and equipment, and hospital facilities, systems and equipment. Incumbents work independently and utilize a general knowledge of several related skill fields such as plumbing, electrical, welding, carpentry, and machinist work.

The Department of Personnel's Glossary of Classification Terms defines "journey-level" as:

...Fully competent and qualified in all aspects of a body of work and given broad/general guidance, can complete work assignments to standard under minimal supervision. Also referred to as the working or fully qualified occupational level.

When comparing the totality of Mr. Porria's assigned duties and responsibilities to the job classifications, the MM 2 class provides a better fit. While a portion of Mr. Porria's time involves performing routine-level maintenance work, the majority of work assigned to his position involves performing journey-level electrical repair and maintenance.

Many of his duties are not repetitive in nature and require more than routine judgment such as re-wiring new electrical circuits, outlets, switches and lights to code to pass Labor and Industries inspections during remodeling projects. Mr. Porria pointed out that he reads project manager blueprints to determine where to run electrical wiring during remodeling projects. For assigned work orders, Mr. Porria independently troubleshoots electrical outlet, switch, photo cell, motion sensor, walkway lighting, fluorescent lighting ballast, power or other failed electrical problems. He independently completes lock-out tag-out of electrical power circuits. For the electrical work which reaches beyond routine maintenance, Mr. Porria works independently and does not require the technical direction of a journey-level position. He performs his electrical work independently and with little guidance from other maintenance mechanics or his supervisor, Mr. Drennon.

While examples of typical work identified in a class specification do not form the basis for an allocation, they lend support to the work envisioned within a classification. The majority of work assigned to Mr. Porria's position is at the journey level. The typical work identified in the MM 2 class specification most in line with Mr. Porria's assignments includes:

- Performs maintenance, operation and repair of electrical....systems of buildings...;
- Monitor safety, fire protection and environmental control equipment to ensure the building systems and equipment are operating in a satisfactory condition; respond to service request and secure necessary assistance; take preventative and emergency action to control malfunctions;
- Installs, maintains, and repairs electrical connections, switches, circuits, electrical equipment...;
- Remodels and constructs facilities in accordance with project requirements ...;
- Repairs windows, doors, screens, floors, floor coverings, and painted surfaces.

Mr. Porria is fully competent and qualified in all aspects of his electrical work. His assignments require him to employ a variety of skilled work in the maintenance, repair, and

remodeling construction of buildings, electrical lighting fixtures and systems, and other equipment at TESC. Mr. Porria's duties and level of responsibility meet the definition of journey-level work.

In Salsberry v. Washington State Parks and Recreation Commission, PRB Case No. R-ALLO-06-013 (2007), the Personnel Resources Board addressed the concept of *best fit*. The Board referenced Allegri v. Washington State University, PAB Case No. ALLO-96-0026 (1998), in which the Personnel Appeals Board noted that while the appellant's duties and responsibilities did not encompass the full breadth of the duties and responsibilities described by the classification to which his position was allocated, on a best fit basis, the classification best described the level, scope and diversity of the overall duties and responsibilities of his position.

Based on the level, scope and diversity of the overall duties and responsibilities assigned to Mr. Porria's position, his position should be reallocated to the MM 2 classification.

Appeal Rights

RCW 41.06.170 governs the right to appeal. RCW 41.06.170(4) provides, in relevant part, the following:

An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to . . . the Washington personnel resources board Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

The mailing address for the Personnel Resources Board (PRB) is P.O. Box 40911, Olympia, Washington, 98504-0911. The PRB Office is located at 600 South Franklin, Olympia, Washington. The main telephone number is (360) 664-0388, and the fax number is (360) 753-0139.

If no further action is taken, the Director's determination becomes final.

c: Daniel Porria
Susanna Fenner, WFSE
Nancy Jacobski, TESC
Lisa Skriletz, DOP

Enclosure: List of Exhibits

Daniel Porria v. The Evergreen State College
ALLO-10-037

A. Daniel Porria Exhibits

1. Request for Director's Review form from Susanna Fenner to Karen Wilcox dated July 22, 2010 with attachments (4 pages).
2. Copy of allocation determination letter from Nancy Jacobski to Daniel Porria dated April 23, 2010. (4 pages)
3. Position Review Request form for Daniel Porria received by TESC HR on July 22, 2010. (7pages)
4. Job Descriptions titled "Maintenance Mechanic 1 Job Specifications" with attachments:
 - a. Position Description for Daniel Porria dated July 21, 2010. (2 pages)
 - b. Position Description for Daniel Porria dated March 2001. (1 page)
 - c. DOP Class Specification for : Maintenance Mechanic 1 (626J) (2pages)
5. Job Descriptions titled "Maintenance Mechanic 2 Job Specifications" with attachments:
 - a. Position Description for Donald Hovland dated January 2001 (2 pages)
 - b. DOP Class Specification for Maintenance Mechanic 2 (626K) (2 pages)
6. Work Order cover page titled, "Work Orders "In Question" with attachments:
 - a. "41 Work orders at Maintenance Mechanic 2 Level" (41 pages)
 - b. "26 Work orders at Maintenance Mechanic 1 Level" (26 pages)
7. A copy of the Labor and Industries 4000 Hours Certification for Daniel Porria (1 page)
8. Supporting Statements (22 pages)
9. List of missing work orders referenced in Exhibit B-4. (Submitted 4/11/11).

B. The Evergreen State College Exhibits

1. Allocation Determination letter from Nancy Jacobski to Daniel Porria dated July 12, 2010. (4 pages)
2. Position Review Request form for Daniel Porria dated 4/23/2010 (7 pages)
3. Work orders (204 pages)
4. Spreadsheet containing work order list with descriptions of work order requests. (3 pages)
5. Copies of weekly time sheets for Daniel Porria titled, "Mechanical Systems / Cup Weekly Time Sheet" (18 pages)

6. Organizational Chart for Mechanical Services with cover email from Nancy Jacobski. (2 pages)
7. Cover letter from Nancy Jacobski to Karen Wilcox providing response to Employee Exhibits A1- A8 (1 page)
8. Email from Nancy Jacobski to Kris Brophy enclosing:
 - a. Worksheet containing a list of Work Orders with assigned work levels. (8 pages)
 - b. Additional Work Orders (2053, et. al. 15 pages)
 - c. Additional Work Orders (1134 et. al. 4 pages)

C. Director's Exhibits

1. DOP Class Specification for Maintenance Mechanic 2 (626k).
2. DOP Class Specification for Maintenance Mechanic 1 (626j).